

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARY ELLEN COSTA, et al.,

Plaintiffs,

v.

SERVICE EMPLOYEES INTERNATIONAL UNION,

Defendant.

Civil Action No. 04 cv 10488 JLT

DECLARATION OF CAROLYN McCULLOUGH

I, Carolyn McCullough, depose and say:

1. I am an employee of Service Employees International Union, AFL-CIO ("SEIU"), and have held the position of Coordinator, SEIU National Nurse Alliance since 2001. My duties are to coordinate all nurse programs in SEIU, including legislation, policy, and collective bargaining.

2. In September, 2003, Larry Fox, Director of SEIU's Health Care Division, assigned me to assist him in discussions with nurses at Boston Medical Center ("BMC") regarding the creation of a new SEIU local for the BMC nurses. Following these discussions, I was assigned to assist the new local union in its development of local bylaws. By virtue of my work on this assignment, I have personal knowledge of the matters addressed in this declaration.

3. On behalf of SEIU, I participated with Mr. Fox in the discussions with a committee of BMC nurses that led to the agreement to charter a local union for BMC nurses. At

no time did the parties to those discussions agree that the interim appointment of officers for the new local union would be for a period of at least one year. Nor did representatives of SEIU give any assurances to members of the committee with whom SEIU was negotiating that interim appointments would be for a one-year period or any other specified period of time.

4. The agreement between the BMC nurses committee and SEIU was reduced to writing.

5. Following negotiation of the agreement between SEIU and the committee of BMC nurses, SEIU International President Andrew Stern sent a letter dated October 1, 2003, to Mary Ellen Costa, appointing her as provisional president of SEIU Local 9, Roberta Sullivan as provisional secretary-treasurer of Local 9, and other BMC nurses as provisional members of the Local 9 executive board. As stated in President Stern's letter, all of these interim appointments were for a term of three months, to expire on December 31, 2003.

6. For at least the two month period following the chartering of Local 9, neither Ms. Costa, Ms. Sullivan, nor any other person appointed on October 1, 2003, made a claim to me that the October 1, 2003 interim appointments were required to be for a term of at least one year.

7. I attended the consolidated hearing on internal needs of Local 9 and internal union charges brought by Local 9 members Lorraine Riley and Eileen Ridge against Ms. Costa and Ms. Sullivan, held on January 26, 2004 before Hearing Officer Christine Boardman. The Hearing Officer issued a written Partial Report and Recommendation on internal needs, which was adopted by President Stern. A true and correct copy of that report is attached to this Declaration.

8. The Hearing Officer has not yet issued a report and recommendation concerning the internal union charges heard on January 26, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2004.


Carolyn McCullough